

Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALVE CORPORATION,)
) **DECLARATION OF DONALD MCPHAIL**
Plaintiff,) **IN OPPOSITION TO VALVE**
v.) **CORPORATION’S MOTION TO**
) **COMPEL**
LEIGH ROTHSCHILD, ROTHSCHILD)
BROADCAST DISTRIBUTION) NOTE ON MOTION CALENDAR:
SYSTEMS, LLC, DISPLAY) March 28, 2025
TECHNOLOGIES, LLC, PATENT ASSET)
MANAGEMENT, LLC, MEYLER LEGAL) Complaint filed: July 7, 2023
PLLC, AND SAMUEL MEYLER)
)
Defendants.) Case No.: 2:23-cv-01016
)

I, Donald McPhail, declare as follows:

1. I am attorney with Merchant & Gould P.C., and I am one of the attorneys of record for Defendants Leigh Rothschild; Rothschild Broadcast Distribution Systems, LLC; Display Technologies, LLC; Patent Asset Management, LLC; Meyler Legal PLLC; and Samuel Meyler (collectively, the “Defendants”). I make this declaration on my own information, knowledge, and belief, based on a reasonable investigation, in support of, the Rothschild Defendants’ Opposition to Valve Corporation’s Motion to Compel.¹

2. Attached hereto as **Exhibit 26** is a true and correct copy of an email chain between counsel for Defendants to counsel for Valve Corporation, with a date range of October 16, 2024 through November 26, 2024.

3. Attached hereto as **Exhibit 27** is a true and correct copy of an email chain

¹ The Rothschild Defendants refers to a subset of the Defendants and includes Defendants Leigh Rothschild; Rothschild Broadcast Distribution Systems, LLC; Display Technologies, LLC; and Patent Asset Management, LLC.

1 between counsel for Defendants and counsel for Valve Corporation, with a date range of
2 December 30, 2024 through January 9, 2025.

3 4. Attached hereto as **Exhibit 28** is a true and correct copy of an email chain
4 between counsel for Defendants and counsel for Valve Corporation, with a date range of
5 February 4, 2025 through February 27, 2025.

6 5. Attached hereto as **Exhibit 29** is a true and correct copy of an email chain
7 between counsel for Defendants and counsel for Valve Corporation, with a date range of
8 March 11, 2025 through March 19, 2025.

9 6. Attached hereto as **Exhibit 30** is a true and correct copy of a Subpoena to
10 Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil
11 Action issued by Valve Corporation to Kizzia Johnson PLLC, dated December 19, 2024.

12 7. Attached hereto as **Exhibit 31** is a true and correct copy of an email chain
13 between counsel for Defendants and counsel for Valve Corporation, with a date range of
14 December 30, 2024 through January 8, 2025.

15 8. Attached hereto as **Exhibit 32** is a true and correct copy of an email chain
16 between counsel for Defendants and counsel for Valve Corporation, with a date range of
17 February 12, 2025 through February 17, 2025.

18 9. Attached hereto as **Exhibit 33** is a true and correct copy of excerpts from
19 Defendant Patent Asset Management, LLC's Objections and Responses to Plaintiff's First Set
20 of Requests for Production.

21 10. To date, the Rothschild Defendants have produced over 4,000 documents, of
22 which over 3,750 were produced by the Rothschild Defendants (including public filings). The
23 Defendants have made the following productions:

Date of Production	Number of Documents	Bates Numbers	Custodians
2/12/2025	481	ROTHSCHILD1-6513	Meyler Legal PLLC; Public
2/17/2025	1128	ROTHSCHILD6514-15434	Public
2/25/2025	561	ROTHSCHILD15435- 18436	Daniel Falcucci ²
2/27/2025	1753	ROTHSCHILD18437- 29445	Public
3/07/2025	46	ROTHSCHILD29446- 30193	Daniel Falcucci
3/19/2025	27	ROTHSCHILD30194- 30620	Daniel Falcucci
3/24/2025	120	ROTHSCHILD30621- 31682	Meyler Legal PLLC; Daniel Falcucci; Leigh Rothschild; Christina Arias; and Public

These productions include public filings of patent lawsuits brought by Defendants Display Technologies, LLC and Rothschild Broadcast Distribution Systems, LLC involving the asserted patents; communications between Mr. Meyler and opposing counsel; communications between Mr. Meyler and counsel for Valve Corporation; patent assignments; settlement and license agreements; management agreements of Defendants Display Technologies, LLC and Rothschild Broadcast Distribution Systems, LLC; and operations agreements of Defendants Display Technologies, LLC; Rothschild Broadcast Distribution Systems, LLC; and Patent Asset Management, LLC.

11. The Rothschild Defendants' March 7, 2025 production included approximately

² While Mr. Falcucci is identified as the custodian of these documents, this set of documents is public documents.

1 40 agreements.

2 12. I attended a meet and confer with counsel for Valve in late October of 2024.
3 During that meet and confer, the parties discussed Defendants' collection of ESI, and I
4 explained that the Defendants collection of ESI would be done when the parties had reached
5 agreement on search terms and that Defendants would not be engaging in the piecemeal
6 collection of ESI. I also noted that the nature of the case was likely to implicate privilege issues
7 and that the Rothschild Defendants may need to produce privileged documents.

8
9 I declare under the penalty of perjury under the laws of the United States of America
10 that the foregoing is true and correct to the best of my knowledge.

11
12 Executed on: March 24, 2025

By: /s/ Donald R. McPhail
Donald R. McPhail